

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
December 2, 2003, 9:00 A.M.

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
  - Invocation
  - Pledge of Allegiance
  - Approve the minutes of the previous meeting
  - Approve the minutes of the November 25, 2003 meeting.
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AWARDS AND PRESENTATIONS

- Proclamations
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PUBLIC AGENDA

1. Chris Carlson-Cars versus wheelchairs.
  2. Jon Rok Thyng-Vietnamese Committee to present their Community Flag recognition resolution.
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UNFINISHED BUSINESS

3. Appeal of Historic Preservation Board Action Regarding Conversion of First Floor Commercial Space to Parking Garage 221-223 East Douglas (District I) HPC 2003-00141, AND Consideration of Issues Related to Conversion of First Floor Commercial Space to Parking Garages in the Downtown East Douglas Area.  
(Deferred from 11-18-03)

RECOMMENDED ACTION: Uphold the decision of the Historic Preservation Board findings that the conversion of first floor commercial space to parking garage. does encroach, damage and destroy the environs of the Kress Building, and the Wheeler, Kelly, Hagney Building as prescribed in K.S.A. 75-2715-75-2725.

4. Change Order Policy and Ordinance Revisions.  
(Deferred from 11-18-2003 meeting)

RECOMMENDED ACTION: Approve limiting additional project work to 10% of the original contract amount for public building projects while retaining the 25% limit for engineering projects; place the Ordinance on first reading; and authorize the necessary signatures.

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NEW BUSINESS

5. Public Hearing and Issuance of Industrial Revenue Bonds-Lee Aerospace, Inc. (District II)

The City Council has approved the issuance of Industrial Revenue Bonds in an amount of \$3.5 million and a five-plus year 100% tax exemption on bond-financed property to Lee Aerospace. Proceeds from the bond issue were used to acquire property and construct a new facility including 30,000 sq.ft. for manufacturing space and 8,000 sq.ft. for office space. On October 7, 2003, City Council approved a Letter of Intent for IRB's to construct a new facility and is now requesting the issuance of Industrial Revenue Bonds in an amount of \$1,200,000.

RECOMMENDED ACTION: Approve the Bond documents for the issuance of Industrial Revenue Bonds and place the Ordinance on first reading.

6. Public Hearing and Issuance of Industrial Revenue Bonds - Bombardier Learjet. (District V)

The City Council has approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. Council also approved a ten-year 100% ad valorem property tax exemption on all bond-financed property. On November 20, 2001, the City Council extended the Letter of Intent for an additional three-years until December 31, 2004. Under authority of the 1996 Letter of intent, the City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet a total of approximately \$79.5 million in IRBs between 1996 and 2002. The company is requesting City Council to issue industrial revenue bonds in the amount not-to-exceed \$1,110,000 to finance its capital investments for the year 2003.

RECOMMENDED ACTION: Approve the Bond documents for the issuance of Industrial Revenue Bonds and place the Ordinance on first reading.

7. Public Hearing and Issuance of Industrial Revenue Bonds - Cessna Aircraft Company.

Since 1991, the City Council has approved Letters of intent for Industrial Revenue Bonds totaling a not-to-exceed principal amount of \$1.1 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. The Council has previously approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds. Since 1991, approximately \$788 million IRBs were issued to Cessna. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$55,300,000 million to finance its 2003 capital investments. In addition, Cessna requests a two-year extension of its 1999 Letter of Intent to continue to expand and upgrade its existing facilities.

RECOMMENDED ACTION: Approve the Bond documents for the issuance of Industrial Revenue Bonds and place the Ordinance on first reading.

8. Extension of IRB Tax Exemption - Rand Graphics Inc. (District IV)

The City Council has approved issuance of Industrial Revenue Bonds in the amount of \$3.4 million to Rand Graphics, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a five-year term on the project~ plus a second five years subject to Council review. Bond proceeds were used to construct a building addition to Rand's facility at 2920 South Hoover Road and to purchase machinery and equipment. On December 31, 2003, the initial five-year period for tax exemption will expire. Rand Graphics, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

RECOMMENDED ACTION: Approve the extension.

9. Ordinance Amending, Section 11.16.100 of the Code of the City of Wichita Regarding the Offense of Failing to Yield to an Emergency Vehicle.

The Kansas Legislature amended K.S.A. 8-1530, Duty of driver upon approach of an authorized emergency vehicle. This amendment would allow enforcement against those who fail to yield to a stationary emergency vehicle, with the requisite visual signals operating.

RECOMMENDED ACTION: Approve first reading of the Ordinance.

10. Ordinance Amending, Section I 1.52.060 of the Code of the City of Wichita, Regarding the Offense of Allowing: an Unattended Motor Vehicle to Remain Operational, or with the Engine Running.

The Kansas Legislature amended K.S.A. 8-1573, the state statute prohibiting a person from allowing an unattended motor vehicle to remain operational, or with the engine running. The amendment allows a person with a remote starter system to utilize that technology without being in violation of state statute.

RECOMMENDED ACTION: Approve first reading of the Ordinance.

11. Amendments to WaterWalk Development Agreement. (District I).

On September 10, 2002, the City Council approved the Development Agreement and Master Plan I-hr the WaterWalk Redevelopment Project, located in the East Bank Redevelopment District in downtown Wichita. On September 16, 2003, the City Council approved a revised. Master Plan that incorporates a major destination retail facility based on the use of STAR bond financing and other changes. Approval of the revised Master Plan was conditioned on subsequent approval by the City Council of necessary changes to the Development Agreement. Negotiated amendments to the Development Agreement are being presented to the City Council for approval.

RECOMMENDED ACTION: Approve the amendments.

12. 119th Street West Improvement, 17th to 21st Street. (District V)

The 2002-2011 Capital Improvement Program includes a project to improve 199th Street West, between 17th and 21st Street On September 8, 2003, District V Advisory Board sponsored a neighborhood hearing on the project and made an additional recommendation that the CIP include a project to expand 119th Street to 13th and construct sidewalks on both sides.

RECOMMENDED ACTION: Approve the project as proposed by  
DAB V.

13. Rock Road Improvement between 21st and 29th Street. (District II)

The Capital Improvement Program includes an ongoing program to relieve traffic congestion in the Rock Road Corridor. One element of the program is improvements to Rock Road between 21st and 29'h. The City Council approved the design concept on April 2, 2002.

RECOMMENDED ACTION: Approve the project.

14. Murdock Bridge Improvement at the Little Arkansas River. (District VI)

The Capital Improvement includes funds to improve the Murdock Bridge over the Little Arkansas River. The District VI Advisory Board sponsored a September 8, 2003 Neighborhood hearing on the project. The Staff Screening and Selection Committee has selected Professional Engineering Consultants to prepare construction plans. An agreement for design services has been prepared.

RECOMMENDED ACTION: Approve the project, Agreement  
and design Contract; place the Ordinance  
on first reading; and authorize the necessary  
signatures.

15. Renewal of Special Liquor Tax Fund Contracts.

The City issued a competitive Request for Proposals (RFP) for funding alcohol and substance prevention and treatment programs. The RFP incorporated City Council's guidelines established for funding such programs and the Special Liquor Tax Coalition reviewed the proposals received and made funding recommendations to the City Council. The Council ultimately funded twelve programs for a one-year period ending December 31, 2002. At its February 1, 2003 meeting the City Council approved renewal of these twelve Special Liquor Tax contracts for the period January 1, 2003 through December 31, 2003 with identical allocations and individual program budgets.

RECOMMENDED ACTION: Approve contract renewals and authorize the necessary signatures.

16. 132 North Mosley-Proposed Development. (District VI)

At the July 1, 2003, City Council meeting the Council voted 6-0 (Mayor was absent) to override the findings of the Historic Preservation Board that the buildings located at 128-132 North Mosley was contributing structures to the Old Town Historic District. Councilwoman Fearey's motion was to "adopt the findings set forth in support of the Council's determination that there is no feasible and prudent alternative to the demolition of 128-132 North Mosley; The program for the demolition includes all possible planning for minimizing harm to the Old Town Historic District; and the long-term plans should include plans for commercial development." At the November 25, 2003 workshop, it was suggested that the south Kansas Paint building could be retained and redeveloped.

RECOMMENDED ACTION: Take the desired action.

17. Sale of City Owned Property.

The City Council designated the properties as available for sale to the public-subject to the conditions described. Staff was instructed to market these properties through mailings and notices to brokers, real estate firms and investors as well as posting on the Internet, distribution of flyers, property, showings, etc. This marketing effort was to continue for ninety (90) days. During the marketing period, only offers above the minimum price were considered. Potential buyers were instructed to provide information on their proposed use, development time frame, and other pertinent information as well as price.

RECOMMENDED ACTION: Authorize the packaging of these properties in categories of use and solicit proposals from real estate firms that specialize in particular uses for listing and marketing of such properties. In addition, Staff be authorized to continue to solicit the sale of these available properties.

18. Disposition of Planeview Property.

The City Council approved the sale of three acres of City-owned land located north of 31st Street North between the Kansas Turnpike and the Fire Department's training center. The Planning Department received an application to rezone the property which was then reviewed by District Advisory Board III before approval by MAPC and finally by the City Council.

RECOMMENDED ACTION: Take appropriate action.

19. Contract Lobbying Services.

The City Council will consider the selection of a legislative lobbying service for 2004. The selection will be made at the Council meeting.

RECOMMENDED ACTION: Select Contract Lobby Firm.

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CITY COUNCIL AGENDA.

20. Travel to the National League of Cities 80th Conference, Nashville Tennessee-Councilwoman Schlapp.  
(December 9th through December 13, 2003)

RECOMMENDED ACTION: Approve the expenditure.

21. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

22. Selection of City Manager Search Firm.

RECOMMENDED ACTION: Approve selection of firm

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CONSENT AGENDA

23. Report of the Board of Bids and Contracts Dated December 1, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

24. Application for Licenses for Adult Entertainment Establishments/Services:

Renewal - Adult Entertainment

(Item 24 continued)

Valerie Washington

Camelot Theater

1519 South Oliver

RECOMMENDED ACTION: Approve licenses subject to  
Staff review and approval.

25. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Doug E. Beckham	Lenola's	1528 South Washington
Eugene J. Pelz	Siesta Steak Lounge*	15130 West Highway 54
Carmen Rosales	Connie's Mexico Café*	2227 North Broadway
Bernard J. Berning	Pizza Villa Restaurant*	2342 South Maize Road
Cheryl L. Gehlen	Annex Lounge	6305 East Harry
W. Kent Myer	Sim Park G.C.*	2020 West Murdock

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Jayanti B. Patel	Food Mart #210	10723 West Highway 54
Jayanti B. Patel	Food Mart #205	7101 East Lincoln

<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Tane Chanthivong	Chiang Mai Thai Restaurant*	3141 South Hillside #105
Hai T. Huynh	Imbiss Grille*	315 North Mead

<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Todd Henderson	Presto #32	3311 North Rock Road
Todd Henderson	Presto #33	2190 North Rock Road
Todd Henderson	Presto #34	1250 South Rock Road
Todd Henderson	Presto #37	1254 South Tyler
Todd Henderson	Presto #40	4414 West Maple
Todd Henderson	Presto #41	7136 West Central
Todd Henderson	Presto #42	7990 East Central
Todd Henderson	Presto #43	2001 South Oliver
Todd Henderson	Presto #44	7236 West 21st Street
Todd Henderson	Presto #45	4821 South Broadway
Todd Henderson	Presto #46	515 North Seneca
Todd Henderson	Presto #47	2356 South Seneca
Todd Henderson	Presto #48	1350 North Oliver

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff  
review and approval.

26. Preliminary Estimates:

- a) Water distribution system to serve Pine Meadows Second Addition - south of 13th Street North, east of Greenwich. (448-89648/735152/470822) Does not affect existing traffic. (District II) - \$31,000.00

(Item 26 continued)

- b) Water distribution system, Phase 1 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89737/735155/470825) Does not affect existing traffic. (District II) - \$26,000.00
- c) Water distribution system, Phase 2 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89728/735153/470823) Does not affect existing traffic. (District II) - \$47,000.00
- d) Water Distribution System, Phase 3 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (448-89862/735154/470824) Does not affect existing traffic. (District II) - \$114,000.00
- e) Harry, Oliver to (87N-0191-01/472-83685/706852/203318) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$2,710,000.00
- f) Installation of streetlights on Waterfront Parkway between 13th Street North and Webb Road (472-82808/765809/490920) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$125,000.00
- g) 2003 contract maintenance asphalt mill & overlay Phase 2 - north of 47th Street South, east of Hydraulic. (472-83877/132714/) Traffic to be maintained during construction using flagpersons and barricades. (District II & III) - \$170,000.00

RECOMMENDED ACTION: Approve and file.

27. Deeds and Easements:

- a) Utility Easement dated September 10, 2003 from Dillon Real Estate Co., Inc., a Kansas Corporation for a tract of land located in Reserve "A", Auburn Hills Commercial Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Utility Easement dated September 10, 2003 from Dillon Real Estate Co., Inc., a Kansas Corporation for a tract of land located in Lot 1, Auburn Hills Commercial Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- c) Utility Easement dated September 11, 2003 from Rita A. Neville as Trustee of Neville Trust III, for a tract of land located in Lot 3, Auburn Hills Commercial Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- d) Utility Easement dated September 11, 2003 from Rita A. Neville as Trustee of Neville Trust III, for all of Reserve "A", Auburn Hills Commercial Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- e) Utility Easement dated September 11, 2003 from Rita A. Neville as Trustee of Neville Trust III, for a tract of land located in the Northwest Quarter of Section 25, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- f) Public Utility Easement dated October 7, 2003 from Troy A. Fawcett and Joan M. Fawcett for a tract of land located in Lot 3, Auburn Hills Commercial Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- g) Dedication from the City of Wichita, a Municipal Corporation for a tract of land located in Lots 1, 3, 5, 7, 9

and 11, Hopkins' and Elwood's Subdivision of Lot 1 in Block 1 in the Chautauqua Place Addition to  
(Item 27 continued)  
Wichita, Kansas (Hillside, Kellogg to Central, OCA #706834). No cost to City.

- h) Dedication from the City of Wichita, a Municipal Corporation for a tract of land located in the southwest quarter of the Northwest Quarter of Section 27, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Hydraulic, 47th to 57th, OCA #706810). No cost to City.
- i) Dedication from the City of Wichita, a Municipal Corporation for a tract of land located in the northwest quarter of the Southwest Quarter of Section 27, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (59th St, OCA #205021). No cost to City.

RECOMMENDED ACTION: Accept documents.

28. Statements of Cost:

- a) Old Town Cinema - Total Cost- \$9,300,000.00 (plus temporary note financing - \$165,451.57; plus idle fund interest - \$14,548.43; less financing previously issued - \$0.00). Financing to be issued at this time \$9,480,000.00. (792347/435-317).

PARTIAL STATEMENTS OF COST:

- b) (Second Partial) Estimate of Cost for improving N.E. Baseball Complex- \$50,000; less financing previously issued - \$30,000. Financing to be issued at this time - \$20,000. (792352/435-322).
- c) (Second Partial) Estimate of Cost for improving CMF Expansion- \$458,371.03; less financing previously issued - \$100,000. Financing to be issued at this time - \$358,371.03. (792369/435-339).

RECOMMENDED ACTION: Approve and file.

29. Petitions for Public Improvements:

- a) Pave Wawona Street to serve The Collective and Lanzrath Additions-east of K-96 – south of 21st Street. (District II)
- b) Renovate building facade at 1011 and 1017 West Douglas. (District IV)

RECOMMENDED ACTIONS: Approve Petitions; adopt Resolutions.

30. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

31. Minutes of Advisory Boards/Commissions:

Around the House: Wichita Housing Services, Sept/Oct 2003  
Housing Advisory. Board, September 16, 2003  
Police & Fire Retirement System Meeting, September 24, 2003  
Joint Investment Committee Meeting, October 2, 2003  
Wichita Airport Advisory Board, October 6, 2003

(Item 31 continued)

Joint Investment Committee's Subcommittee Minutes, October 9, 2003  
Board of Code Standards and Appeals, October 13, 2003  
Board of Park Commissioners, October 13, 2003  
Board of Electrical Appeals, October 14, 2003  
Wichita Employee's Retirement System, October 15, 2003  
Wichita Public Library Board of Directors, October 21, 2003  
Wichita Police & Fire Retirement System, October 22, 2003  
Around the House: Wichita Housing Services, Nov/Dec 2003

RECOMMENDED ACTION: Receive and file.

32. Change Order: Central Improvement, Maize to Tyler. (District V)

RECOMMENDED ACTION: Approve the change order.

33. Agreements/Contracts:

- a) Respread assessments: Kellogg Mall Addition, south of Douglas, east of Rock Road. (District II)
- b) Finalization of land ownership: Auburn Hill Golf Course. (District V)
- c) Wichita Boathouse custodial services. (District IV)
- d) Wichita Boathouse building attendant-unarmed security. (District IV)
- e) Franchise Agreement-Brooks Fiber Communications of Missouri, Inc.
- f) Kellogg/Rock Road Interchange Supplemental.. (District II)
- g) Construction engineering and staking for The Waterfront Addition-north of 13th Street, east of Webb Supplemental. (District II)
- h) Construction engineering and staking for Fox Ridge Addition-north of 29th Street - between Maize and Tyler. (District II)
- i) Golf Professional Contracts.
- j) Bus advertising sales and service Contract.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

34. Design Services Agreements:

- a) Hawthorne and Hawthorne Second Additions-north of 21st Street, east of 127th Street East. (District II)
- b) Brighton Courts Addition-south of 21st Street, west of Webb. (District II)

(Item 34 continued)

- c) Reed's Cove and Reed's Cove Second Addition-south of 21st Street, east of 127th Street East.  
(District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

35. Property Acquisition: Partial Acquisition of The Elms, LLC Harry Street Improvement: between 1-35 and George Washington Boulevard. (Districts I and II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize Necessary signatures.

36. Settlement of Claim.

RECOMMENDED ACTION: Authorize payment of \$13,435.12 as a full settlement of all possible claims arising out of inspection of a kiln installation.

37. Homeless Assistance.

RECOMMENDED ACTION: Approve additional funding assistance.

38. Demolition of Heartspring Facility.

RECOMMENDED ACTION Authorize demolition.

39. Termination of Workforce Investment Act Youth Services Proposals.

RECOMMENDED ACTION: Approve the termination of Contracts.

40. Reconstruction and/or Rehabilitation of Sanitary Sewers.

RECOMMENDED ACTION: Approve the project expenditure.

41. Replacement of Tapping Machine.

RECOMMENDED ACTION: Approve the purchase of CL 12 Mueller Tapping Machine from sole source vendor, Hajoca Corporation.

42. Payment of Condemnation Award, Case No. 03 CV 3656, Jabara Airport Runway Protection. (District II)

RECOMMENDED ACTION: Authorize payment of the appraisers' award together with appraisers' fees and court costs.

43. Ballard Aviation, Inc. Ground Lease Estoppel and Consent to Mortgage.

RECOMMENDED ACTION: Approve the Ground Lease Estoppel between the Airport Authority and Ballard Aviation, Inc. and authorize the necessary signatures.

44. 2003 Contracted Street Maintenance Program Budget Adjustment.

RECOMMENDED ACTION: Approve the budget adjustment.

45. Unified Planning Work Program for Fiscal Year 2004.

RECOMMENDED ACTION: Approve the Program and adopt the Resolution authorizing the Director of Planning to submit applications, negotiate Agreements and execute Contracts in Support of the UPWP.

46. Space Utilization Study.

RECOMMENDED ACTION: Approve budget adjustment.

47. Amending Resolutions: 2003 Capital Improvement Program.

RECOMMENDED ACTION: Adopt the Resolutions.

48. Amended Storm Water Rate Resolution.

RECOMMENDED ACTION: Adopt the Amended Equivalent Residential Unit (ERU) Rate Resolution.

49. Second Reading Ordinances (First read November 18, 2003)

a) Industrial Revenue Bonds-Rand Graphics, Inc. (District IVI)

An Ordinance authorizing the City of Wichita, Kansas to issue its Taxable Industrial Revenue Bonds, Series IX, 2003 (Rand Graphics - Inc.) in the aggregate principal amount of \$2,000,000 for the purpose of purchasing and installing certain machinery and equipment in a commercial printing facility; authorizing execution of Supplemental Trust Indenture No. 1 between the City and First National Bank of Hutchinson Kansas, as Trustee; authorizing the City to lease such further improvements to Rand Graphics, Inc. and authorizing execution of Supplemental Lease No. 1 between the City and Rand Graphics, Inc., approving the form of a Guaranty Agreement between Rand Graphics, Inc. and First National Bank of Hutchinson, as Trustee; and authorizing the execution of a Bond Purchase Agreement for the Bonds between the City, Rand Graphics, Inc. and Emprise Bank, as purchaser of the Bonds.

b) Water and sewer rate adjustments for 2004.

- 1) An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas pertaining to schedule of rates and charges for water service, and repealing the original of said section.
- 2) An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said section.

c) ZON2003-00051 - generally south of Central and east of Doris. (District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2003-51

d) A03-24 - near the northeast intersection of Pawnee and Webb Road. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 03-24

RECOMMENDED ACTION: Adopt Ordinances.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

50. CUP2003-00044-DP53-#5-Amend Parcel 3A to Remove Restriction on Drive-Thru Restaurant, Amend Architectural Requirement and Add an Access Point on Property Zoned Limited Commercial. Generally located at the Northwest Corner of Boston and Webb Road. (District II)

RECOMMENDED ACTION: I. Concur with the findings of the MAPC and approve the CUP amendment, subject to the recommended conditions; or

2. Return the application to the MAPC for reconsideration.

51. ZON2002-00074-Zone Change from Limited Industrial to Single-family Residential and Neighborhood Office, Generally located South of 29th Street North and East of Ridge Road. (District V)

RECOMMENDED ACTION: Concur with the settlement provisions requested by the applicant and home owners association upon reconsideration and approve the zone change to SF-5 based on the findings contained in the Staff report, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year, approve first reading of the Ordinance.

- 52.\* ZON2003-00054-Amendment to Protective Overlay #17 to Revise Signage Restrictions, Access Controls, and Architectural Consistency Requirements. Located at the Northeast Corner of Maple and 135th Street West. (District V)

RECOMMENDED ACTION: I. Concur with the findings of the MAPC and approve the amendment to Protective Overlay District # 17 and place the ordinance amending the Protective Overlay on first reading; or

2. Return the application to the MAPC for reconsideration.

- 53.\* SUB2002-128-Plat of The Waterfront Second Addition, Located on the North Side of 13th Street North, East of Webb Road. (District II)

RECOMMENDED ACTION: Approve the plat.

- 54.\* SUB2003-88-Plat of Wichita Clinic Addition, located on the South Side of 21st Street North and on the East Side of K-96 Expressway. (District II)

RECOMMENDED ACTION: Approve the plat.

- 55.\* No-Protest Agreement for Lot Split No. SUB2003-117, Lot 28, Block I, Westfield Acres Addition, Located between Arcadia and Byron, on the North Side of Douglas. (District V)

RECOMMENDED ACTION: Approve the No-Protest Agreement.

- 56\* DED 2003-26-Dedication of a Utility Easement for Property Located North of Maple, West of 1-235. (District IV)

RECOMMENDED ACTION: Accept the dedication.

Adjournment

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